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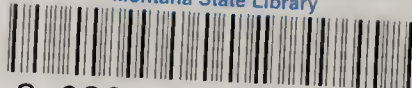
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COORDINATOR OF INDIAN AFFAIRS

LETTERS

September 17, 1986

Donald L. Clayborn
Office of the Coordinator of Indian Affairs
1218 East Sixth Avenue
Helena, Montana 59620-0503

Dear Donald:

This letter is to thank those people that gave to Hope Ranch during the seminar entitled, "Interviewing Techniques for Child Sexual Assault". I am truly sorry that I was unable to attend the seminar at Great Falls, Montana in July.

Please express my appreciation to those individuals that donated to Hope Ranch. There is no excuse for delay in responding to the most generous contributions, but the old one of procrastination. Thank you!

Respectfully,

Mike Boyd, Director
Hope Ranch

Leadership Billings Conference

Donald "Louie" Clayborn attended "Leadership Billings" on October 1, 1986 in Billings. The conference was on economic development within the state of Montana and Louie's presentation was on tribal development and what programs are available through the state to people in the state of Montana. Merle Lucas, Executive Director of the Montana Intertribal Policy Board, also attended the conference as a speaker.

AROUND THE STATE

Sweetgrass Hills

Representatives of the Blackfeet tribe are exploring the nomination of the Sweetgrass Hills in Toole and Liberty Counties to the National Register of Historic Places. According to Earl Old Person, Blackfeet Tribal Chairman, the Sweetgrass Hills are "a significant religious and cultural site." Tribal representatives are concerned about development in the region and hope to obtain recognition of the area as a significant heritage resource.

(Montana State Historic Preservation Office News, Vol. 1, No. 2)

Milk River up at Harlem, but most floods subside (Great Falls Tribune, October 1, 1986)

Flood waters continued to recede through most of northern Montana's Milk River Valley Tuesday, although hundreds of residents have yet to return to their flood-drenched homes, local officials said.

Flood waters were dropping across the Hi-Line Tuesday except at Harlem, where a noon measurement showed the Milk at 26.27 feet - 5.27 feet above flood stage. The water is "a couple feet higher than it was" at its crest on Saturday, according to Jay Diamond, hydrologic technician with the U.S. Geologic Survey in Helena. The increased flow is apparently being caused by water from Battle Creek north of Chinook. That water was reported at greater than 100-year levels after a stream flow measuring gauge was inundated with water, Diamond said.

However, high water at Harlem should not pose a threat farther downstream at Malta and Saco because those water levels have been dropping in recent days.

Harlem Mayor David Boisvert estimated that several hundred people from the outlying rural areas have abandoned their homes to stay with relatives in town, most of which escaped the flood waters. "The population of our town has grown considerably in the last few days," he said.

At Chinook, local officials said nearly all of the 125 people evacuated from the north side of town over the weekend had returned to their homes. At Malta, about 60 people were still out of their flooded homes.

The Milk River and its tributaries along a 100-mile section of northcentral and northeastern Montana began flooding last Thursday after torrential downpours dumped up to 8 inches of rain in 18 hours in some areas. The flooding claimed one life, killed hundreds of livestock, washed out roads and rail lines, and forced the evacuation of more than 300 residents in Chinook, Harlem, and Malta.

Officials said while water levels have stabilized at most points, rivers and streams will continue to run high for at least this week.

George DeWolf, head of the state Disaster and Emergency Services Division, said it would be next week at the earliest before Gov. Ted Schwinden had enough information to decide whether to seek federal disaster-area declaration for the region.

NOTE: In a related story, Commissioners in Phillips County have estimated the hay and straw loss to be \$25 million, while authorities in Blaine County have yet to assess damages there. If the region acquires a federal disaster declaration, farmers may be able to seek low-interest loans to help pay for the ruined hay.

TRIBAL ECONOMIC DEVELOPMENT:

Cheryle Cobell Zwang contacted all the tribes regarding information on tribally-owned/affiliated businesses. The information was originally gathered for a presentation in Billings on economic development, but she thought everyone might be interested in the various enterprises that Montana's tribes are involved in. The following is their response:

BLACKFEET:

Blackfeet Indian Writing Company: I spoke to Joe McKay, President of the Blackfeet Indian Writing Company. It was established in early 1972. A corporation was formed with shareholders and the tribe owned 51 or 52 percent of the stock. At present, 82 percent of the stock is tribally owned, seven percent is owned by the employees, and the rest is owned by an individual investor. The company employs 52 persons at present, of which 97 percent are tribal members. In 1981, Blackfeet Indian Writing Company purchased the Lindy Company. Lindy is the oldest pen manufacturing company in the U.S. Now both names - Lindy and Blackfeet Indian Writing Company - are used on the writing products produced. At the time when the company was first formed, government contracts were the base for production. Since 1980 when government contracts were given over to an organization for the blind, the company has gone to commercial and retail market contracts. Now, less than one percent of total sales comes from government contracts. Blackfeet Indian Writing Company sells to General Motors and Pizza Hut, etc. commercially. This type of sales is categorized as advertising specialty use. The company has also penetrated the retail market and K-Mart, as well as Grey Drug (a major retail drug chain on the east coast), will be selling the writing products in their stores. According to Joe McKay, they sell to agencies in all 50 states in the union and also several foreign countries. "In the past four years, there have been some hard times. Now, we are a viable, going concern and will be around for a long while." The company makes a rate of 4.8 million in sales and a profit will be made this year.

Blackfeet National Bank: Jack Kelly, President. I spoke to Jack and he said that in order to open their doors, they must sell \$170,000.00 worth of stock. They hope to have a tentative opening date towards the end of the year. The tribe owns 70 percent of the stock. Once the bank opens, they hope to employ around 8 or 9 people to begin with.

Anyone interested in purchasing stock in this bank may contact Mr. Kelly at the Blackfeet National Bank for further information.

Campground Enterprises

The Blackfeet tribe controls six campgrounds. They are: Duck Lake, Red Eagle, Chewing Blackbones, Camp Napi, St. Mary KOA, and Malmstrom AFB. At present, the campgrounds which are not leased out by the tribe, the St. Mary KOA and Chewing Blackbones, are part of a going operation under a Campground Enterprise Board. The board is made up of 2 councilmen and 3 Indian residents. The St. Mary KOA Campground was purchased by the tribe for approximately \$300,000.00 and Chewing Blackbones was renovated this past year to the tune of almost \$100,000.00 according to Gene Cobell, General Manager. Between the two campgrounds, net earnings were estimated at approximately \$61,000.00 and Gerald "Buzz" Cobell, board member, stated that these earnings would be enough to pay loan expenses and still probably have enough left over to help with operating or start up costs for the next year. The enterprise employs 18 part-time employees and 1 full-time employee, of which 95% are Indian. Future management of the campground enterprise is currently up in the air. Apparently the board may be disbanded by the council and the council may take over management of operations. In any regard, the campgrounds, though seasonal, appear to offer the tribes a great deal as a thriving enterprise.

Bingo Operation: The tribe has taken over all the smaller bingo operations on the reservation and have started up a tribal bingo enterprise. The operation is temporarily housed in the industrial park in a newly renovated building. It had been in action since Sept. 19th and Linda Juneau is head of operations. Darryl Momberg is the bingo announcer or caller. At present, there are 16 employees, all of whom are tribal members. Games run every day except Monday and Tuesday, but will soon expand to every day with 2 sessions on Sat. and Sunday. Clubs, etc. that had previously ran separate games may still do so at this facility, but the profits are split with the tribe and the tribe does all the accounting, etc. The split margin varies between 25 and 40 percent being given to the non-profit organization depending on such things as their willingness to provide labor for cleanup and the organizations use of the money. Tribal profits go toward community services: elderly help, student needs, emergency travel, etc. According to Linda Juneau, "It's going really well. People really like the games." It is possible that the location of the operation may be moved to the old Thriftway store so that it will be more accessible to people such as the elderly.

Blackfeet Electronics: This operation employs three people at present, all of whom are Indian. They produce wire harness jumper cable assemblies on a subcontract basis for IBM out of Denver. Their contracts only run about \$30,000 per year, according to Ed Aubert, Blackfeet Planning Dept., but they also just got back into operation.

Heart Butte Industries: This company has been in existence for about 10 years. They began by producing teepees, etc. About 5 years ago, they got contracts with companies that supply disposable items to nuclear-involved work sites. These items include gloves, coats, caps, shoe covers, etc. According to Ed Aubert, the company had been involved in contracts averaging \$12,000.00/year. This year, contacts have been

established or reestablished with different firms and the company now has contracts totaling approximately \$250,000.00. The company employs around 19 or 20 people, all Indians, and is a "cut and sew" operation. Heart Butte Industries is a going concern, according to Aubert, and depending on how they do on fulfilling their largest contract (one with Commonwealth Edison for \$232,000.00), will probably continue to be a thriving business.

FORT PECK:

A & S Industries: Bill Neulman is the manager and I spoke with him. The company began in 1974. It produces camouflage netting and in 1982, they started producing medical chests. In the beginning (1974), they employed 80 persons and had 40,000 sq. ft. of space. As of 1985, they expanded and now have 153,000 sq. ft. of space and employ about 500 persons. Approximately 80 percent of the employees are Indian. The business first started out as a joint venture between the tribe, the government, and Brunswick (the company). The business is now 100 percent tribally owned. It is a very viable entity and a profitable company. They were just awarded a 13 million dollar contract for netting two days ago and expect a 4 million dollar contract for medical chests within two weeks. Apparently there is competition out of Philadelphia for the medical chests contracts and they now have competition out of North Dakota for netting contracts. The enterprise involved there is Dakota Tribal Industries, affiliated with a Sioux tribe out of Ft. Cotton.

West Electronics: Charles Candella is the manager and I spoke with him. The business was established in 1971. They manufacture electronic equipment tied in with the telecommunications field. The business is 100 percent tribally owned and they employ approximately 8 people, of which 80 percent are Indian. Apparently they sell to both the government and private industry. Candella said that broken down it amounts to about 65% commercial and 35% government. They manufacture digital readout equipment which is sold nationally.

FLATHEAD - CONFEDERATED SALISH AND KOOTENAI TRIBES

S & K Electronics: Established in 1984, they produce electronic circuitry boards and electro/mechanical assemblies. Their main contract is with the Dept. of Defense for army tank heaters. They presently employ 28 persons (21 of which are Indian), and normally they employ approx. 40 persons. Right now all their work is government contract work, but they are hoping to expand into the commercial sector. Rick Farrell, manager, said that a commercial contract is expected within the next 6 weeks. The business is viable in terms of cash flow, but they need to complete this big heater contract in order to realize these gains. Mr. Farrell also suggested that it would be most helpful if other tribes or business entities could get involved in subcontracting. S & K has several aspects of production that are subcontracted out, but they have to usually send everything so far away that it is not cost effective. Apparently, S & K is presently subcontracting some work out

to A & S Industries and it is working out satisfactorily. This may be something other entities may want to consider.

Flathead Post and Pole: Aaron Jones, Manager. The operation has been in business since 1977 and employs 25 full-time employees at present. 21 of these persons are Indian and 4 are non-Indian. The mainstay of the enterprise is something called dowelled railed fencing. A broker out of Cheyenne, Wyoming called Teton West Lumber is used. Sales cover every state west of the Mississippi, and they also have moved into Arkansas and Kansas City. A small percentage of their sales are local business as they do sell farmer posts. The operation is self-sufficient and usually breaks even or is the profit margin. "In other words, we are not subsidized by the tribe. We are an on-going operation," said Aaron Jones, Mgr.

Charkoosta Print Shop: The manager of the print shop is Paul Homuth. They do commercial printing and tribal printing. At present, there are 5 employees, of which 4 are Indian. The print shop, according to a tribal spokesperson, is in a tenuous situation as to whether or not they will continue operations.

Anita Dupree said that the tribe is considering Koss Landing as a possible resort site; a hotel convention center of sorts. Apparently, there are mixed feelings as to whether the tribe should be venturing into business propositions or whether it should simply support individual members or groups of members in their business ventures.

CROW

I spoke to Richard Real Bird and there are no tribally owned enterprises.

FORT BELKNAP

I spoke to the V. Chairman and there are no tribally owned enterprises.

NORTHERN CHEYENNE:

T.P. Factory: I spoke to Pat Moss. The factory is run through an ANA grant. Employees are paid through JTPA. They employ 4 people and the business was established in 1985. They sell to the public, mostly locally and to other reservations. They just completed a contract with Wynn Auto out of Longmont, CO for jeep top covers for CJ5 jeeps. They also make awnings, car covers, tents, and teepees. There are 2 possible contracts in the works for making tack equipment. They run into a problem with working capital, according to Moss. Start up costs hurt them in securing contracts.

ROCKY BOY:

Dry Fork Farms: Jim Morsette gave me all of the following information. It is a cattle and wheat operation. They have about 200 producing head or pairs. These animals are sold in the local market. The farm produces alfalfa, wheat, and barley. These are also sold locally. They employ 12-14 people seasonally and 5 full time. All are tribal members except 1. They showed some profit last year and will either show profit or break even this year depending on mother nature and ag prices.

Propane truck: The tribe distributes and sells propane to their own people. They sell it at approx. 10¢ under other companies on the reservation. They employ 3 people.

Bear Paw Ski Lift: The tribe employs 4 people for approx. 3 months during a good ski year. A private ski club out of Havre runs the concessions, etc. (unless the tribe receives a competitive bid from a tribal member) and splits the profits 60/40 with the tribe. The tribe gets 60 percent.

Post and Pole Operation: This will start up this week. It had previously been inoperational, but will be placed in a new location and operating soon.

Building Log Homes: A portable sawmill is being purchased in Portland and logs will be sawed for specifications for house building. TWEP will supply workers. They anticipate opening this sometime this spring.

Note: This is the extent of the information I was able to collect from telephone calls to the various tribes. I think it reflects a great effort, for the most part, on the part of tribes to secure employment and business opportunities for their people. Let's hope that this trend toward economic development continues and that the tribes, themselves, extend a hand to each other in start up efforts or advising whenever possible.

AT THE FEDERAL LEVEL

Tax Transition rules to benefit some Montanans (Billings Gazette, September 30, 1986)

The tax bill that cleared Congress over the weekend contains hundreds of transition rules and other provisions giving tax breaks to companies, individuals, and others. Some Montanans will benefit from those rules.

Most of the rules allow specific exceptions for companies or projects from costs that would be incurred under the new tax law. One rule inserted at the request of Sen. Max Baucus, D-Mont, allows Western Energy Co., a Montana Power Co. subsidiary, to postpone paying \$4

million in taxes over a five-year period. The rule was a response to a tax-bill requirement of immediate payment of taxes on certain overseas investment even if income wouldn't be realized for several years. A Baucus aide said... the company won't save any money, but would simply have to pay taxes at the time it actually realizes the income.

Baucus also persuaded Congress to add a provision to the tax bill that allows farmers to get refunds of up to \$750 for unused investment tax credits. He added the provision after congress inserted a similar provision for the steel industry in the tax bill. Congress, meanwhile, changed a provision that had been in early versions of the tax bill calling for special tax breaks for hydro projects in Montana. The provision was later changed to make the breaks available to projects in all states. The provision was included so energy firms locked into existing contracts could keep the old tax breaks they had counted on when they signed their contracts.

House Passes Amendments to the Indian Self-Determination Act American Indian Report, Oct. 86

On August 11, 1986 the House of Representatives passed H.R. 4174 which will amend the Indian Self-Determination and Education Assistance Act. If passed by the Senate and signed by the President, this bill will become law. Following are the most significant provisions of this Bill:

- * The BIA and IHS will be required to fund contract support costs.
- * All P.L. 93-638 grants, contracts, and cooperative agreements will become subject to the Contract Disputes Act of 1978.
- * 638 contractors holding IHS contracts will be covered by the Federal Tort Claims Act for tort actions arising under such contracts. It is estimated that tribes will save approximately \$4,000,000 annually on liability insurance costs.
- * All Federal agencies will be required to honor a tribe's negotiated overhead rate, unless prohibited by statute.

For additional information contact Richard Phelps, The Falmouth Institute, (703) 425-3440.

SUPREME COURT DECISIONS

Indian Child Welfare - Montana's Supreme Court handed down a decision on September 16, 1986 in the matter of M.E.M., Jr. on an appeal from the Eighth Judicial District Court, Cascade County, the Honorable Joel G. Roth. Justice William E. Hunt, Sr. delivered the Opinion of the Court. The issue decided here, which could, and most probably will, have far-reaching effects, is whether or not the paternal aunt of an enrolled Indian child has the right to intervene in the adoption proceedings of that child and also whether the paternal aunt may petition for adoption.

Case Summary: The parents of the child, M.E.M., Jr., were acute alcoholics and upon his birth, M.E.M., Jr. was placed in foster care by Hill County SRS and temporary custody was awarded to SRS. The paternal aunt requested custody of M.E.M. upon learning that SRS had taken the

child into foster care. Montana Legal Services also wrote in her behalf. The aunt was denied custody since her place of residence was too far away to be considered conducive to reunification with the child's parents. The aunt was not informed by the Fort Belknap tribes (of which M.E.M. is an enrolled member) or SRS about termination proceedings or M.E.M.'s availability for adoption. Consequently, the aunt learned about all this through informal contacts. Upon gaining knowledge of the aforementioned, the aunt submitted a petition. Her petition was denied by District Court as being untimely. The Supreme Court ruled that "given the ignorance in which ____ was kept, we can not see how ____ could have been more diligent or any earlier in her petition or motion. Therefore, we hold ____ motion to intervene must be granted."

It was decided by the Montana Supreme Court that the paternal aunt does have the right to intervene and that further, she also has the right to petition for adoption.

This particular case may prove to be helpful to Indian children who, as was the case in this circumstance, do not have the benefit of this familial representation during placement proceedings. It also reflects adherence to the Indian Child Welfare Act since the statutes of the act are followed by the Supreme Court as stated in Justice Hunter's opinion, "Silk is an "extended family member" within the meaning of the ICWA's § 1915 (a). She has an interest created by the preferences listed in that same section. And clearly, the present parties to the adoption do not adequately represent her interest. Therefore Silk meets all of the requirements laid out in Rule 24(a), M.R.Civ.P. for intervention. "

Landmark Crow case comes full circle

CROW AGENCY (AP) - A lawsuit that went from Crow Tribal to the U.S. Supreme Court is back where it all began four years ago.

The landmark case, which helped define the jurisdiction of tribal courts over non-Indians, will be heard in the Crow court as soon as a trial date can be set.

The three-member Crow court of appeals has ruled that Crow Tribal Court has jurisdiction in what started out as a personal-injury case against the Lodge Grass school district. The judges also set aside a previous \$153,000 tribal default judgement against the school district, the Billings Gazette reported Saturday.

It won't be heard by a sitting Crow judge, the Crow appeals court ruled. The court agreed with a motion by the school district that the local judges should be disqualified to avoid any appearance of conflict of interest.

The U.S. Supreme Court remanded the case to tribal court in June 1985, ruling that the tribal court had the right to determine its own jurisdiction in civil matters involving non-Indians on the reservation. The justices also ruled that tribal court actions could be reviewed in federal courts.

The case involves Leroy Sage, who was a fifth-grade student in Lodge Grass Elementary School when an uninsured motorist's car bumped him in the school parking lot in September 1982, injuring Sage's leg. Sage and his guardian sued the school district in tribal court. When

the school district and its insurance company failed to appear at hearings in the case, a \$153,000 default judgement was granted. There was some question about whether school officials or the insurance company had been notified. The school district and National Farmers Union Insurance went to federal court to try to stop Sage from collecting, arguing that the tribal court had no jurisdiction over the non-Indian plaintiff in this case.

An injunction was granted by U.S. District Judge James Battin, who was later reversed by the 9th U.S. Circuit Court of Appeals. After numerous legal twists and turns, including the seizure of thousands of dollars worth of school computer equipment, the case went to the Supreme Court. The high court sent it back to Crow court in June 1985.

In July 1985, Tribal Judge Tommy Roundface issued an order refusing to set aside the default judgement because the school district had not asked for reconsideration within the 30-day period established in tribal court rules.

The appeals court overturned that decision, saying the court was concerned more with justice than with technicalities. The appeals court, however, upheld tribal Judge Glen Birdinground's ruling that the tribal court had jurisdiction in the case.

Water Court acted hastily, illegally, Supreme Court told
(printed in part from the Great Falls Tribune, October 1, 1986)

Montana's entire water rights adjudication process may be in jeopardy because of the state water court's hasty and illegal actions, the Department and Board of Natural Resources warn in a brief to the state Supreme Court.

They have asked the Supreme Court to reverse two water court orders issued in July and August that stopped them from adopting rules for verifying water rights claims.

It is the latest battle between Lessley, a retired district judge from Bozeman, and state agencies and some other water users over the process to determine who owns the rights to water from Montana's rivers and streams.

Last year, the Dept. of Fish, Wildlife, and Parks, joined by the federal government, Montana Power Co., the Confederated Salish and Kootenai Tribes and some other users, charged that the water court's procedures were faulty and allowed false or exaggerated claims to be approved. A Supreme Court order earlier this year resolved some of the conflict after the various parties agreed to a stipulation.

The brief called it "a fallacy" to conclude that the 1979 legislative charge to expedite and facilitate the adjudication is necessary to immediately prepare Montana's defense in an interstate water allocation. No interstate allocation between the upper and lower Missouri River Basin states is imminent, it said. Moreover, the brief said it is no longer a "race to the courthouse" to determine whether federal and Indian reserved rights will be adjudicated in federal or state jurisdictions. In a 1983 Arizona case, the U.S. Supreme Court said it would defer to more comprehensive state adjudication processes, regardless of who won the race to the courthouse.

"The warning is not a hollow one," it said. "The U.S. Supreme Court, and hopefully this court, will not idly stand aside and allow the

water court to abridge the due process rights of the tribes and others simply because the water court believes its charge to 'expedite and facilitate' requires the water court's control of virtually every aspect of the adjudication from the gathering of evidence to the issuance of the final decree."

Other Court Cases

Superior Court for the State of Alaska

Fawcett v. Fawcett No. 1KE-78-537

(Alaska Court Case, Indian Law Reporter, Vol. 13, No. 8, August 1986)

Summary: In 1979, plaintiff, a member of the Pueblo of San Juan who was married to a member of the Metlakatla Indian Community, obtained a divorce decree and custody of their minor child in state court. The child is a member of the Metlakatla Indian Community. In 1984, plaintiff filed a motion to hold the defendant in contempt of court for retaining custody of the child. The Metlakatla Indian Community intervened seeking a dismissal of the contempt motion on the grounds that: inherent tribal sovereignty bars the state court from interfering with tribal regulation of its members; the Indian Child Welfare Act preempts state court jurisdiction of child custody matters; and full faith and credit requires the state court to respect the tribal court order.

The superior court grants the community's motion to dismiss holding that Public Law 280 did not divest the community of jurisdiction it concurrently held with the federal government, but rather transferred only federal jurisdiction to the state of Alaska. The court further holds that the community has concurrent jurisdiction with the state of Alaska over child custody proceedings under the Indian Child Welfare Act, 25 U.S.C. § 1911(b), and therefore, any challenge to the validity of the tribal court order must be raised in the Metlakatla Tribal Court.

Wisconsin Tribe's Suit Challenges Interior Policy Affecting Bingo

(Indian News Notes, Vol. 10, No. 34)

The St. Croix Chippewa Tribe of Wisconsin filed suit August 20 against Secretary Donald Hodel and Assistant Secretary of Indian Affairs, Ross Swimmer, in the U.S. District Court for the District of Columbia. The St. Croix Tribe challenges the Department's statement of policy published in the Federal Register on February 19 which stated that the Department will not accept off-reservation lands in trust for the purpose of establishing bingo or other gaming enterprises which would not conform with state or local laws. The tribe alleges that the policy was adopted in violation of the Administrative Procedure Act and is therefore void and of no effect. The tribe also seeks an order to compel the Secretary to immediately cease enforcing the "invalid rule" and requests review and approval of their off-reservation application to establish a bingo parlor in the village of Turtle Lake, Wisconsin.

Big Horn County wins case charging employment bias
(Billings Gazette, Sept. 27, 1986)

Big Horn County did not discriminate against two Crow Indians by not offering them jobs on the county road crew, a six-person federal jury decided Friday. The five women and one man on the jury panel began deliberating on the case at 3:35 Friday afternoon and returned the verdict at 4:55. The trial before U.S. Magistrate Jack Shanstrom lasted five days.

During the course of the trial, little was said that related to specific acts of discrimination against Turns Plenty and Stands. Their attorneys, Jean Bearcrane and Robert LaFountain, concentrated on showing a pattern of racial discrimination in Big Horn County, which they argue continues today. They tried to prove that the county commission has made little attempt to rectify the situation by hiring more Indians.

Jim Torske, attorney for the county, tried to show that any shortage of Indians on the county payroll in the past was not intentional and that the commissioners are making every effort, short of firing non-Indian employees, to bring more Indians into county jobs. Torske said Indians have shown little interest in county jobs in the past because employment was available in federal programs on the reservation.

The lawsuit concerned four jobs on the county road crew that were filled in early 1985. Turns Plenty and Stands were among about 130 applicants for the positions. About half of those on the list were Indians. The county said, of the four hired, that two were Indians and two were white. LaFountain tried to establish that one of those considered Indian by the county was not recognized as an Indian in the community, even if he was an enrolled member of the tribe.

Stands and Turns Plenty maintained that they were among the best-qualified for the jobs, but both admitted that they did not know the qualifications of the other applicants.

LaFountain said no decision has been made yet on an appeal. "There are several options," he said.

GENERAL INFORMATION

Little Shell Tribe optimistic about its future

(reprinted in part from the Great Falls Tribune, September 21, 1986)

Efforts to be recognized by the federal government are finally paying dividends for Montana's Little Shell tribe.

For the past 60 years, the Little Shell Tribal Council has failed in its efforts to meet U.S. Government requirements to become a recognized tribe. To date, Uncle Sam still doesn't recognize the Little Shell as an official tribe. Therefore, Little Shell members don't qualify for federal funding or benefits in areas such as health care and education.

The Little Shell first applied for federal recognition in 1929 under the guidance of chairman Joe Dussome. The current council reapplied for recognition in 1984, and received a four-page report on deficiencies that had to be resolved. As a result, anthropologists were hired. "The government's major concern was with the tribe's enrollment and communication network," Don Bishop, Chairman of the Little Shell,

explained. "The report dealt with whether the tribe has the appearance of a city because the members are scattered all over the state. What they (the researchers) found was that we speak a common language, we live under similiar conditions and that our communication network was actually pretty strong even though we are scattered over the state. They both said their findings would be favorable toward getting the communication question answered."

Bishop said the tribal council will submit findings of the researchers to the government in October. If the government clears the tribe of deficiencies, the wheels will be set in motion toward recognition. That process will take about two years, Bishop added.

National Resource Center Becomes a Reality

Judith K. McKenzie, Executive Director of Spaulding for Children, announces the National Resource Center for Special Needs Adoption is operational. Jane F. Swanson, Ph.D., is the new Center's Director. Initial funding for the Center is being provided by the Children's Bureau, Administration for Children, Youth and Families; Office of Human Development Services.

The purpose of the Center is to improve the availability and quality of adoption and post adoption services for children with special needs and their families. The Center focuses on the following areas of service: Minority adoption programs, Adoption services for children who are developmentally disabled, Post adoption services, Foster parent adoption, The development of linkages between adoption and residential care systems, Training volunteer advocates and managing their activities in relation to special needs adoption, Understanding and preventing disrupted adoptions.

The primary activities of the Center are: Training, technical assistance, consultation, development of leaders in the field.

For further info, contact the Center at P.O. Box 337, Chelsea, MI 48118 (313) 475-8693.
(The Roundtable)

Wolf Point Man Guilty

(reprinted from Billings Gazette, Sept. 27, 1986)

A federal court jury found a Wolf Point man guilty on Friday of second-degree murder in the death of his 3-year-old stepdaughter earlier this year.

The jury deliberated about 2½ hours before returning the verdict against Robert Eder, according to Assistant U.S. Attorney Charles Miller. Prosecutors charged that Eder physically abused and assaulted Shelena Skye Olson last December in Montana. They said Eder, angry at the child's bedwetting, had thrown her across a room and against a stove. After traveling to Wyoming and being seen by two Indian medicine men there, the girl was taken to Fort Yates, N.D., where she died Jan. 1, Miller said. The assault resulted in severe brain damage to the child, and she died after a lack of medical attention, he said.

During the trial, which began Monday, the prosecution said two medicine men had told Eder there was nothing they could do for the girl, and that she should be taken to a physician, Miller said. No medical help, from either medicine men or a licensed physician, was sought after the child left Wyoming Dec. 23, he said.

Eder's attorney, Rodney Feldner, told U.S. District Judge Patrick Conmy that Eder would appeal the conviction. Conmy ordered a pre-sentence investigation. The maximum penalty for second-degree murder is life in prison.

Boy's Organs donated to 5
(Billings Gazette, Sept. 30, 1986)

A 13-year-old Poplar boy died Sunday of an accidental gunshot wound, but his death may bring life to three transplant patients. Frederick Ray Archdale, 13, died Sunday in Poplar of severe brain damage from the fatal head wound, authorities said Monday.

After Frederick was pronounced dead at Poplar Community Hospital, his mother, Aleta Archdale, consented to donating organs for transplant. He was flown late Sunday to St. Vincent Hospital in Billings for evaluation as an organ donor, said Dr. Neal Collins of the Indian Health Service in Poplar. A respirator machine kept his body supplied with oxygen until organs could be retrieved, the doctor said.

St. Vincent staff members worked with a transplant team from the Rocky Mountain Organ Center in Denver, Collins said. The transplant team retrieved both corneas, both kidneys, and heart valves for transplant, the doctor said. "Five individuals will benefit from one very tragic episode," he said. "Some families are very generous like this family," Collins said. "Otherwise, there would be very few transplants."

Except for certain cases in which a living relative can donate an organ, such as a kidney, patients in need of a transplant can only receive the lifesaving surgery through the sudden death of a person with healthy organs, the doctor said.

The Archdale boy was wounded Sunday afternoon while he and three other boys were practicing shooting at cans in the river just north of town, a Bureau of Indian Affairs officer said. Chuck Trottier said Archdale was holding a rifle in his left hand when he reached into a pocket for more shells. The boy then set the gun down - butt first - on the concrete bridge. A .22 caliber long rifle cartridge apparently was in the chamber and discharged when the gun hit the bridge, the officer said. Archdale was wounded in the side of the head.

Collins said the boy was the first organ donor from Poplar that he's seen in two years of work there. Montanans who want to be organ donors can obtain consent cards from any driver's license office. For more information about organ donation write to Montana Donor Program, St. Vincent Hospital and Health Center, P.O. Box 35200, Billings, Montana 59107-5200 or call (800) 574-4400.

NOTE: Benjamin "Benji" Bement, a member of the Northern Cheyenne tribe, who recently lost his life in a car accident, also donated his organs so that they might save the lives of others. It is good to know that even

in the tragedy of the loss of a young life, there is solace in the fact that others may live as a result of this type of generosity. The gift of life is a precious blessing.

Big Horn County Vote on Panel Set for Today

(printed in part from the Billings Gazette, Sept. 30, 1986)

Big Horn County voters will go to the polls Tuesday in a special primary election ordered by a federal district judge. Voters will choose Republican and Democratic contenders for three county commission seats that will be filled during the general election, Nov. 4.

All three seats are up for election as a result of a voting rights lawsuit brought by members of the Crow and Northern Cheyenne Indian tribes. U.S. District Judge Edward Rafeedie of Los Angeles ruled that at-large voting methods used to elect commissioners and school trustees violated the Voting Rights Act.

The Indians argued that at-large systems, where everyone in the county votes for each commissioner, robbed them of their cumulative voting strength and prevented them from participating in county politics. They advocated a system of single-member districts where only the residents of a district vote for their commissioner. Rafeedie approved an alternative plan proposed by the county of three single-member districts, two of which have a majority of Indian residents. About 46 percent of county residents are tribal members.

Seventeen candidates, including five Indians, have filed for the three positions. The candidates are: District 1 (the western half of the county) Republicans - Ernest Adler, Donald E. Bell, and Ed MacClean. Democrats - Ramona E. Howe, Myra Lefthand (she has withdrawn, but her name will appear on the ballot), Alvin K. Torske, and Carl E. Venne. District 2 (the eastern end of the county) Republicans - Lester F. Hammond and Jackie L. Redding. Democrats - Leonard Bends, Gilbert Birdinground, and John T. Doyle, Jr. District 3 (Hardin and outlying area) Republicans - Debra L. Johnson and John Mehling, Jr. Democrats - Richard "Rick" Dorn, Adam Soni Seader, and Robert A. Weber.

The new commissioners will serve staggered terms. The commissioner from District 1, which has a population of 55 percent Indian, will be elected for four years. The commissioner from District 2, which is 71 percent Indian, will serve for six years. The commissioner from District 3, which is 12 percent Indian, will be elected for a two year term.

Precincts with more than 200 voters will be open from 7 a.m. to 8 p.m. Those with 200 or few voters will be open from noon until 8 p.m.

Distinguished Group of Indian Leaders to Appear at 18th Annual NIEA Conference - A News Release from NIEA.

The Board of Directors of the National Indian Education Association (NIEA) announces that a number of distinguished American Indians will speak before the upcoming 18th annual NIEA conference on Indian education being held in Reno, Nevada, November 21 - 24, 1986 at the Bally Grand Hotel.

Dr. Anselem Davis, Jr., NIEA President, said today that confirmations have been received from Dr. Henrietta Whiteman, the Honorable Ben Nighthorse Campbell, Peterson Zah, and Rueben Snake to appear before the expected 2,000 Indian and Alaskan Native educators who

are to convene at this largest of annual Native American meetings.

The three and a half day meeting will also present workshops, seminars, and papers on Indian education; an Education Expo of exhibits showcasing a wide variety of Indian education activities, service and product providers, and Indian arts and crafts sales; and an Awards Dinner Dance, a Fashion show, all-Nations Pow-wow, and Affinity group meetings.

For further information about the 18th Annual Conference, write: NIEA Conference, 1115 Second Avenue South, Ivy Tower Bldg., Minneapolis, MN 55406 or call (612) 333-5341.

Indian Catalog Available, American Indian Report, Oct. 86

A 22-page full color catalog of Native American arts and crafts is available for \$2 from Buy Native American, National Indian Council on Aging, P.O. Box 2088, Albuquerque, NM 87103, (505) 242-9505.

Indian Organizations to Receive JTPA Funds, American Indian Report, Oct. 86

Job Training and Partnership Act (JTPA) funds for FYs 87 and 88 will be available to "Indian or Native American Controlled Organizations," that is, organizations in which the governing board is more than 50% Indian or Native American. It can be a tribal government, Native Alaskan or Hawaiian entities, consortia, or private nonprofit corporations, or State agencies as long as the board governs program decisions. Fed. Reg. No. 158, Pg. 29339, August 15, 1986.

In order to respond with timely information to Congressional inquiries regarding budgeting needs of JTPA programs, the Dept. of Labor is requiring semiannual rather than annual reports. Contact Robert Colombo, ETA, Dept. of Labor, Rm. 6402, 601 D Street, NW, Washington, D.C. 20213, (202) 376-6093. Fed. Reg. No. 168, Pg. 30856, August 29, 1986.

Melcher to Introduce Native American Legislation
(Montana State Historic Preservation Office News)

Representatives of the SHPO recently attended a meeting of tribal members to discuss a bill being sponsored by Sen. John Melcher. "The American Archaeological Resources and Development Protection Act" is in draft form and subject to revision. As drafted the Act establishes the Native American Museum Advisory Board which would resolve disputes among Native American groups and other institutions which retain, curate, or acquire through federal action Native American cultural materials including skeletal remains and sacred artifacts. The Board is empowered to penalize groups or institutions which fail to abide by its decisions by withholding federal funds for a period of two years. The Act also proposes creation of the "Native American Center" in the Smithsonian Institution to inventory all Native American collections held by federal institutions or derived through federal actions, and to assist Native American groups in museum activities, education, and repatriation of Native American collections.

Finally, the Act amends the Archaeological Resources Protection Act by requiring federal agencies to consult with all ethnic groups whose remains may be excavated as a result of federal actions to determine final disposition of those remains.

Social and Economic Development Project Funds Available, American Indian Report, Oct. 86

Approximately \$15 million dollars is available for social and economic development projects for Federally recognized tribes, consortia of Indian tribes, incorporated non-federally recognized tribes, incorporated non-profit multi-purpose community-based Indian organizations, urban Indian centers, incorporated non-profit Native Hawaiian organizations, and national or regional incorporated non-profit Native American organizations which have Native American community-specific objectives.

Current grantees of the Administration of Native Americans cannot apply unless their grant expires in FY 87. The funds are for multi-year (13-36 month) projects. Applicants should describe project objectives and activities as well as provide an itemized budget on the federal and non-federal cost of the project for each budget period as explained in 45 CFR Part 1336. Application deadlines are 11/12/86, 2/27/87, and 6/5/87. Contact Lucille Dawson, ANA/DHHS, Rm. 5300, 330 Independence Ave., S.W., Washington, D.C. 20201. Attn: 13612-871, (202) 245-7727. Fed. Reg. No. 170, Pg. 31406, Sept. 3, 1986.

1987 HPF Grants Available

The State Historic Preservation Office (SHPO) is now accepting pre-applications for federal fiscal year 1987 preservation grants for local historical and architectural surveys, archaeological studies, or historic preservation planning projects. Applications from local governments, historical societies, or other organizations are due at the SHPO by January 30, 1987. Grant funds cannot be used for building rehabilitation, architectural plans, or research efforts for single buildings or sites. For further information contact SHPO, Montana Historical Society, 225 North Roberts, Helena, MT 59620

Swimmer Awards Contracts to Stimulate Economic Development on Indian Lands, DOI News Release.

Assistant Secretary for Indian Affairs, Ross Swimmer, today awarded contracts to three firms that will act as model business development centers to create jobs for Indian tribes and individuals.

The three corporations, selected from 21 applicants, are the United Indian Development Association (UIDA) of El Monte, California; The Rensselaerville, New York; and the Fairbanks Native Association (FNA) of Fairbanks, Alaska.

Each firm was awarded \$250,000 to generate jobs in Indian Country by attracting industry to the reservations and helping entrepreneurs start and run new businesses. The contractors, each experienced with Indian economic development, will assist business in planning, financing, accounting, marketing and management assistance from start-up until the business is successfully established. The firms are proposing to create 1,081 jobs in Indian country over a three-year period. The one-year contracts are renewable for up to three years if the firms meet the job creation numbers called for in their contracts.

"We've been through a multitude of studies that have told us what the problems in Indian Country," Swimmer said. "We tend to deal too much with the problem side and not enough with getting the job done. We know the problems are there. The emphasis of these centers will be to create jobs."

About half of the nation's 1.4 million Indians live on reservations. Their land holdings total more than 53 million acres where unemployment runs as high as 70 percent on some reservations. One-quarter of the Indian workforce is seeking employment and 27 percent of the total population lives below the poverty line.

Tribes or businesses interested in contacting the new business development centers should write to the following addresses: Rensselaerville Institute, Pond Hill Road, Rensselaerville, NY 12147; United Indian Development Association, 9650 Flair Drive, Suite 303, El Monte, CA 91731; Fairbanks Native Association, 310 1st Avenue, Fairbanks, AK 99701.

UPCOMING EVENTS

18th Annual National Indian Education Conference: Reno, Nevada on November 21-24, 1986. (Pertinent information explained in the above article.)

P.L. 93-638 Contracting Process/RAM Workshop Scheduled: In Tulsa, Oklahoma on October 21-24, 1986 at the Sheraton Kensington Hotel. For further information contact the office of Dr. Everett R. Rhoades, IHS Director.

Second Annual International Indian Child Welfare Conference: October 14-17, 1986 at the Hotel Niagara (716) 285-9521 in Niagara Falls. For further information contact Ethyl Krepps at (918) 446-8432.